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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Patent Application of:

Docket No.: 00240306US

Jacques FIESCHI, et. al

Serial No.: 09/810,286

Group Art Unit: 3621

Filed: March 16, 2001

Examiner: WORJLOH, Jalatee

For: **METHOD FOR VALIDATING AN ELECTRONIC PAYMENT BY A  
CREDIT/DEBIT CARD**

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. 1.131**

**RECEIVED**  
JUL 01 2004  
**GROUP 3600**

Sir:

We, Jacques Fieschi, Jean-Francois Le Pennec, Patrick Michel, and Pascal Roy, do  
hereby declare:

1. We are co-inventors of the subject matter disclosed and recited in independent claims 1, 8, 9 and 16 of the above-identified application.
2. We completed the invention of claims 1, 8, 9 and 16 (and those claims dependent thereon) in the United States before December 16, 1999, as evidenced below.

**CONCEPTION**

3. Before December 16, 1999, we conceived of a system and method for validating an electronic payment by a credit/debit card as disclosed and recited in independent claims 1, 8, 9, and 16 of the application, of which is evidenced by invention disclosure documentation attached

hereto as Exhibit A. The invention disclosure attached hereto is a photocopy of and is identical to the originals, except that all pertinent dates have been removed therefrom to preserve the rights of the inventors.

4. All pertinent dates removed from the invention disclosure documentation attached hereto are before December 16, 1999.

5. As evidenced by the attachments the debit/credit card validation system includes:

*Embodiment I*

A method capable of:

registering a purchase of at least one article by a buyer using a credit/debit card associated with at least one PIN code at a seller terminal connected to an electronic communication network;

checking, by the electronic payment center, that the at least one PIN code which is provided by said buyer to said electronic payment center is associated with the number of said credit/debit card provided by said buyer to said seller terminal; and

checking, by said electronic payment center, with a third party whether the at least one PIN code is valid.

*Embodiment II*

A method capable of:

receiving transaction terminal information from a buyer and a seller by an electronic payment center;

performing a first validation with the transaction information from the buyer and seller by the electronic payment center;

requesting, by the electronic payment center, further validation from a third party to provide authentication for a sale by an electronic transaction; and

processing the sale by an electronic transaction upon authentication by the first

validation and the further validation.

*Embodiment III*

A method capable of:

receiving transaction terminal information from a buyer and a seller by an electronic payment center;

performing a pre-validation of buyer information with a third party;

performing a validation with the transaction information from the buyer and seller by the electronic payment center; and

authenticating a sale by an electronic transaction when the pre-validation and validation provide authentication.

*Embodiment IV*

A system for validating an electronic payment by a credit/debit card comprising means for carrying out the steps of the method of embodiment 1, 2, or 3.

6. The benefits and features of the debit/credit card validation system and methods are shown and described in the attachments.

7. These features and others are exemplified in the invention disclosure documentation, all of which is a complete and permanent idea and a description of the complete and operable invention

## **DUE DILIGENCE**

8. Prior to December 16, 1999, the effective date of the Krueger reference, the inventors worked diligently on the invention as recited in the claimed invention, and the subsequent above-identified application, for initial filing in the European Patent Office on July 13, 2000, and subsequent applications based on this priority date. This included communications between IBM counsel and the inventors from May 31, 1999 (submission of the invention to IBM counsel), up to the date of filing the executed application (February 2, 2000 – decision to file a patent application). All of the inventors were involved in working diligently in providing IBM counsel the pertinent information relating to the inventive concept, including completing the attached invention disclosure. For example, the pertinent information was communicated to IBM counsel on or before December 16, 1999.

9. Prior to the filing of the above-identified application in the U.S. Patent Office, Inventor, Jacques FIESCHI, communicated with IBM counsel, on behalf of all of the inventors, in preparing such patent application based on the submitted invention disclosure. We worked diligently on the preparation of the patent application with patent counsel until a final draft patent application was completed to our satisfaction. All of the inventors were involved in reviewing and finalizing the application for the present invention prior to the filing of the above-identified application, as noted in paragraph 8.

10. A final draft of the application was forwarded to us by IBM counsel, at which time we executed all appropriate documents for filing in the appropriate governmental offices on June 30, 2000. At all times, we worked diligently to finalize the application, which was subsequently and timely filed in the U.S. Patent and Trademark Office, basing priority on European Patent Application Serial No. 00480058.7 filed July 13, 2000.

11. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Jacques Fieschi  
Jacques Fieschi

Jean Francois Le Pennec  
Jean-Francois Le Pennec

Patrick Michel  
Patrick Michel

Pascal Roy  
Pascal Roy

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June 22<sup>th</sup> - 2004  
Date

June 22<sup>nd</sup>, 2004  
Date

June 17<sup>th</sup> 2004.  
Date

June 22<sup>nd</sup> - 2004  
Date